

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

YVETTA D. GREEN

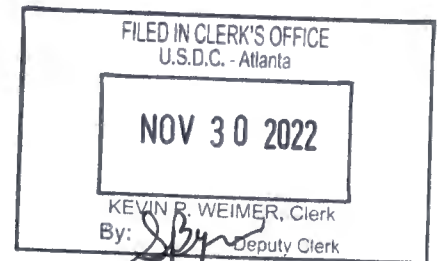
Plaintiff,

v.

RUSHMORE LOAN MANAGEMENT  
SERVICES, LLC and U.S. BANK  
NATIONAL ASSOCIATION, AS  
LEGAL TITLE TRUSTEE FOR  
TRUMAN 2016 SC6 TITLE TRUST

Defendants,

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Case No. 1-22-cv-04218

SDG - RGV

**Plaintiff Affidavit of Specific Negative Averment**

COME NOW, Yvetta D. Green (Plaintiff), lives at 205 Talbot Court,  
McDonough, GA 30253.

File this Affidavit Addressing Defendants Motion for more Definite Statement.

Respectfully show this Honorable Court Proof is the evidence used to support the

5 Claims filed in this lawsuit.

## **Notice**

This here in is my Affidavit of Specific Negative Averment, you have 30 days to Rebuttal all facts below or it will be considered truth in standing that it will present to an Honorable Judge and people of my peers during trial. Statement of Facts and Proof of evidence to clear up any misunderstanding. I the plaintiff asking the court to Subpoena:

\*Rushmore Mortgage Statements (from 8-20-2018 thur 11-16-2022)

\*Rushmore Payment History (from 8-22-2017 thur 12-1-2022)

\*All Documents regarding 2020 foreclosure fees

\*All Annual Escrow account disclosure statement and changes of payment notice

**Note: I continue to be blocked out of my Rushmore online mortgage account it's been 4 months**

1. **Residential Mortgage Fraud – Foreclosure Fraud:** First time receiving a foreclosure Reinstatement Quote was on July 26, 2020, 5 days before deadline of Payment due for \$3998.56. Wired money on July 28, 2020
  - A) Money wired from my bank for Foreclosure Reinstatement \$3998.56, is not showing on my Payment History Sheet. (Rushmore on-line Payment History Print out was included in my case Filed Documents)
  - B) The Month of July 2020 (Which Document is correct) Foreclosure Fees being changed for what the money was needed for.
    - \* Rushmore Payment history Sheets, I am behind 6 months Mortgage payments (Exhibit B / part 3: 1-9)
    - \*Rushmore Reinstatement Quote, I am behind 5 months Mortgage payments (Exhibit B / part 5)
    - \*Or Court Filed Document on 7/06/2020, I am only behind 3 months Mortgage payments
  - C) Facts and Truth is I should never have been in foreclosure. All payments had been paid. Look at my Paid payment history sheet (Exhibit B / part 1)  
I submitted it in my lawsuit case and compared it with Rushmore Payment History on-line print out.
  - D) Looking at Rushmore payment history from the beginning of receiving this loan they have Apply the amount receive from plaintiff is listed as amount paid,

- Look closely at suspended amount on payment history sheet, Rushmore add the payment and then remove the payment 2 days later
- Every payment listed on my payment history sheet Match every payment listed on Rushmore history, but every amount paid from plaintiff is suspended until they remove the amount from the account. Why?
- Where is the money being placed in this account?
- The same thing is going on with escrow account funds. Why?
- Explain all the Misapplied and reverse payment?
- Explain why principal curtailment amount \$651.50?  
See Mortgage statement for June 11, 2021

**2. Violations of Consumer Rights – Missing Mortgage Statements and Duplicating Mortgage Statements with different lay-out:** Rushmore first mortgage Statement generated 12-20-2018

A) Statement Date 12-20-2018 / Payment Date 2-1-2019 (Same statement)

**Missing statements:**

Statement Date \* 12-20-2018 / Payment Date \*1-1-2019

\*01-16-2019 / \*2-1-2019

\*8-11-2020 / \*9-1-2020

\*5-11-2021/ \*6/1/2021

**Note: Every Claim asserted against Rushmore from the plaintiff can be proven with Mortgage Statements and Payment History**

**I the plaintiff pleading with the Honorable Court to please give me the opportunity to present my case.**

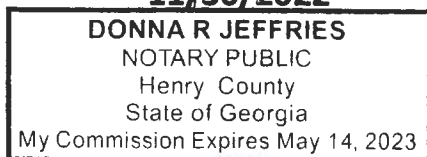
## **Statements of facts**

1. It's been 4 months and Rushmore continues to keep me blocked out of my online account.
2. I the plaintiff I'm representing myself in this case
3. U.S. Bank and Rushmore did not mail me mortgage statements to my address 205 Talbot Ct. McDonough, GA 30253 (from 8-2017 thur 9-2020)
4. I have mortgage statements for evidence from 12-20-2018 thur 11-16-2022
5. I have payment history print out from Rushmore online, print it on July the 2, 2022
6. I have three sets of documents to show proof that can open and close this case
  - a) Mortgage Statements (show proof of deception)
  - b) My pay payment history sheet with proof of every payment
  - c) Rushmore online payment history sheet (it validates the deception)
7. Chapter 13 was filed on January 23, 2017
8. Mortgage arrear payment for U.S Bank was paid in full \$4,573.54, last payment paid was April 2020
9. July 26, 2020, Rushmore mail me the plaintiff a reinstatement quote
10. Amount listed to get reinstated \$3998.56
11. July 16, 2020, David Juhah my attorney who filed my chapter 13, had to fax a letter to Rushmore and U.S. bank as authorization to communicate with me the plaintiff.
12. July 21, 2020, Rushmore mailed me a letter indicating that their records have been updated in their system adding me the plaintiff a third-party authorization. (Exhibit D/ part 1/pg 1)
13. July 28, 2020, Rushmore received money wired from plaintiff's banking account (same account all mortgage payments are paid from) amount \$3998.56 for foreclosure reinstatement
14. Money cannot be found on Rushmore payment history.

Signature

11/30/2022

Page 4



Donna R. Jeffries 11-30-22

**Certificate of Service**

**I hereby certify that I have, this 30th day of November 2022 served all parties in this matter with the foregoing by Placing a true and correct copy of same in the United States Mail, with first class prepaid postage affixed thereto, properly addressed as follows:**

**Bret J. Chaness**

**Rubin Lubin, LLC**

**3145 Avalon Ridge Place, Suite 100**

**Peachtree Corners, GA 30071**

**(678) 281-2730 (telephone)**

**(404) 508-9203 (facsimile)**

**bchaness@rlselaw.com**

**Attorney for Rushmore Loan Management Services, LLC**

**And U.S. Bank National Association, as Legal Title Trustee for Truman  
2016 SC6 Title Trust**

**Plaintiff: Yvetta D. Green**

**205 Talbot Ct**

**McDonough, GA 30253**

**678-467-4410**

**Yvetta.green @yahoo.com**